

Department of Information Systems



Legislative Update

Information about E-Government Legislation

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Information about 2001 E-Government Legislation

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Legislation Affecting State Agencies

Act 1042 An Act to Create and Establish a State Executive CIO & CIO Council

The position of Executive Chief Information Officer (Executive CIO) was created, to be appointed by and serve at the will of the Governor. The Office of Information Technology (formerly under the Department of Information Systems) will be under the direction of the Executive CIO. The Executive CIO was given the power to utilize such personnel and resources of the Department of Information Systems as deemed necessary with the consent of the Governor, including, but not limited to the functions currently performed by the Office of Information Technology.

The Executive CIO is tasked to:

- Direct the formulation and promulgation of policies, standards, specifications, and guidelines for information technology in the state, including, but not limited to those required to support state and local government exchange in a secure environment for the acquisition, storage, use, sharing and distribution of core infrastructure components as defined by the State of Arkansas' Shared Technology Architecture;
- Develop a process for how all state agencies will have input into the formation of these policies, standards, specifications and guidelines and present the plan to the Governor and the General Assembly;
- If deemed necessary and appropriate, establish working groups to assist in the formulation of policies, standards, specifications and guidelines and assure that all agencies have the opportunity to review and comment;
- Oversee the development of legislation and rules and regulations affecting electronic records management and retention, privacy, security, and related issues;
- Create a State Security Office to monitor information resource security issues, coordinate all security measures which could be used to protect resources by more than one (1) governmental entity, and act as an information technology resource to other state agencies;
- Oversee the development of information technology security policy for state agencies;
- Direct the development of policies and procedures, in consultation with the CIO Council, which state agencies will follow in developing information technology plans and technology-related budgets and technology project justification;
- Establish criteria for enterprise projects and review Enterprise Project plans and budget requests and recommend priorities to the CIO Council;
- Develop plans and implementation strategies to promulgate state-level missions, goals, and objectives for the use of information technology, with the review and advice of the CIO Council;
- Review procurements to ensure conformity with information policies and standards and state-level plans and implementation strategies;
- Advise state agencies in acquiring information technology service as well as advise on information technology contracts and agreements;
- Make a quarterly report to the Joint Committee on Advanced Communications and Information Technology regarding the status of information technology deployment to meet the goals set forth in this enabling legislation;
- Solicit, receive, and administer funds from public and private entities to be used for the purchase of information technology resources; and
- Report to the Joint Committee on Advanced Communications and Information Technology and the Governor the total business analysis prepared for information technology projects.

The authority and responsibility of the State Records Commission under Arkansas Code 13-4-105 has been transferred to the Executive CIO.

In the event a state agency proposes an information technology project which does not comply with the state information shared architecture or state information technology plan, the agency will submit documentation to the director of the Office of Information Technology explaining the reason for noncompliance, and the director will advance this information to the Executive CIO, who will seek review and advice of the CIO Council, who will then approve or disapprove the proposed project plan.

The legislation also mandates that the information technology project justification process developed by the Executive CIO in connection with the CIO Council will be followed by all state agencies.

Act 1237 An Act to Amend Various Sections of the Arkansas Purchasing Law

This Act includes amendments to State Purchasing law to allow electronic procurement and the use of electronic media in the bidding process.

Act 1287 An Act to Require State Agencies to have Internet Policies and Justify Internet Usage

This Act amends Arkansas Code 25-4-110 (c) to require state agencies to develop policies regarding the use of the Internet. Agency IT Plans developed or updated will be submitted to the Office of Information Technology and each agency shall specifically include a policy regarding the use of the Internet by the agency.

Act 1410 Computer and Electronic Solid Waste Management Act

This Act directs that each agency prepare and implement an agency-wide policy for the management and sale of agency surplus computer equipment and electronics equipment in accord with the Executive Chief Information Officer's policies. It also requires that each agency prepare, within sixty (60) days after the effective date of this act, a plan to account for the sale of used equipment and present that plan for review to the Department of Finance and Administration, the Executive Chief Information Officer, and the Legislative Council.

Act 1527 Capital Improvement Appropriation for Core Technology

This Act provides appropriations from the General Improvement Fund or its successor fund or fund accounts to the Department of Information Systems for the following:

- Statewide Core Security Infrastructure to maintain the integrity of the State's system (hardware, software and network) and data;
- Statewide Core Network (Data and Video) to support the communication needs of the State Agencies' users, applications and systems and to accommodate the state's growth demands;
- Statewide Core Data and Application Interface for data maintained by state government and programs, standards and interfaces that connect the data with users;
- Statewide Core Hardware Infrastructure to support the computer equipment that will accommodate the growth of information technology in the state;
- Statewide Enterprise Radio System Study to accommodate the next phase of the study to merge the statewide wire and wireless networks for optimal management; and
- Statewide/Enterprise GIS Infrastructure to establish the Office of Geographic Information Systems (GIS) for the purpose of providing GIS services and electronic government to cities, counties, citizens, state and federal agencies and private businesses.

Act 1662 An Act to Provide that the ACIT Committee Perform an Interim Study to Review Agency IT Contracting Practices

The Joint Committee on Advanced Communications and Information Technology has been tasked to study and review agency contracting practices with regard to all technology contracts and projects. The Committee will file a report on its findings with the Legislative Council and the Eighty-Fourth General Assembly.

Act 1722 Amendments to the Arkansas Information Systems Act of 1997

The Office of Information Technology has been established and the Administrator of the Office will be appointed by the Executive Chief Information Officer. Under the direction of the Executive Chief Information Officer, the Administrator of the Office of Information Technology will develop the state information technology plan and periodic updates for the Governor and will seek the advice of state agency working groups in regards to this plan. Before the administrator

submits the plan to the Governor, he or she must seek the advice of the Joint Committee on Advanced Communications and Information Technology.

The Office of Information Technology will develop information technology standards and will distribute criteria, elements, form, and format for agency plans. Technology plans developed or updated will be submitted to the Office of Information Technology and the office may reject, require modification to, or approve plans as deemed appropriate. Plans will be modified by the state agency as necessary.

Plans developed or updated by public instrumentalities will be submitted for review to the Joint Committee on Advanced Communications and Information Technology of the Arkansas General Assembly. The ACIT Committee may seek the assistance of the Office of Information Technology in conducting this review. Plans will be modified by the public instrumentality as necessary.

In the event a state agency proposes an information technology project which does not comply with the state shared technical architecture or state information technology plan, the agency will be required to submit documentation to the Administrator of the Office of Information Technology explaining the reason for noncompliance. The administrator will advance the agency's concerns to the Executive CIO, who will seek review and advice of the CIO Council.

With respect to any finding, ruling, or determination that the Administrator of the Office of Information Technology is authorized to make under the provisions of this act, any state agency aggrieved by any decision by or delay by the administrator in reviewing agency request, may appeal in writing to the Executive CIO.

Information Technology Regulation

Act 905 The Arkansas Uniform Electronic Transactions Act (UETA)

This Act addresses creation and retention of electronic records and conversion of written records by governmental agencies. It directs that each governmental agency of this state shall determine whether, and the extent to which, it will create and retain electronic records and convert written records to electronic records. It directs that each state agency shall comply with applicable standards and policies adopted or established by the Executive Chief Information Officer, in collaboration with the Chief Information Officer Council, to determine whether and the extent to which it will retain and convert written records to electronic records.

This Act directs that each governmental agency of this State determine whether, and the extent to which, it will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures. For state agencies, the determinations shall be consistent with applicable standards and policies adopted or established by the Executive Chief Information Officer, in collaboration with the Chief Information Officer Council.

With respect to standards adopted pursuant to this Act, the Executive Chief Information Officer of the state may encourage and promote consistency and interoperability with similar requirements adopted by other governmental agencies of this and other states and the federal government and nongovernmental persons interacting with governmental agencies of this state. If appropriate, those standards may specify differing levels of standards from which governmental agencies of this State may choose in implementing the most appropriate standard for a particular application.

Act 912 Internet Use Policy for Public Schools and Libraries

This Act amends Arkansas Code 6-21-107 and requires that the board of directors of each school district in this state shall develop and adopt a written policy concerning student and staff use of computers owned by the district. Provisions are required for administration of punishment of students for violations of the policy and that students sign a computer use agreement form outlining proper and improper use of public access computers prior to being allowed to access the computer equipment.

It also requires that the board of directors of each library operated as an entity of the state or any city, county, or other political subdivision of the state with one (1) or more public access computers shall develop, adopt, and implement by August 1, 2001, a written policy that establishes a system to prevent minors from gaining computer access to materials harmful to minors (as defined in § 5-68-501); provides for suspending the privilege of a minor to use the public access computers if the minor violates the policy and provides for revoking such privilege for repeat offenders; and requires all users to sign a computer use agreement form outlining proper and improper use of public access computers prior to their being allowed to access the computer equipment.

Act 1496 An Act to Address Computer Crimes

This Act amends Arkansas Code Title 5, Chapters 27 and 41 and § 12-12-903(13) (A), and adds provisions that cover various aspects of computer crimes.

Act 1533 An Act to Address Internet Filtering in Public Schools

This Act requires that a public school that provides public access computers shall equip the computers with technology that seeks to prevent minors from gaining access to material that is harmful to minors, or obtain Internet connectivity from an Internet service provider that provides such filter services. Standards and rules for the enforcement of this subsection shall be prescribed by the State Board of Education. It provides that a school board may, by a majority vote and after an opportunity for a notice and comment period of at least thirty (30) calendar days, vote to exclude the public schools under its authority from the such filtering.

The Act also states that each library operated as an entity of the state or any city, county, or other political subdivision of the state with one (1) or more public access computers shall develop, adopt and implement a written policy that establishes and maintains a system to prevent minors from gaining computer access to materials harmful to minors, provides for suspension of privileges of a minor from using the public access computers for violation of the policy, and revokes such privilege for repeat offenders.

Act 1653 An Act to Amend Various Provisions of the Freedom of Information Act

This Act amends Arkansas Code 25-19-103 and 25-19-105, the Arkansas Freedom of Information Act, as follows:

- Establishes a definition of the “custodian” of a public record, so that the person administratively responsible for the record responds to the FOIA request, no matter where the record may reside electronically;
- Includes electronic records specifically in the Act’s definition of “public records” and clarifies that proprietary software does not fall under the definition of “public record.”
- Allows citizens to not only inspect and copy records (as allowed by existing law), but also allows them to request to receive copies (making consistent a practice that has been in effect in most areas for quite some time).
- Provides specifically that FOIA requests may be made electronically, e.g., by e-mail; requires that requests be reasonably specific; and provides that the requestor be directed to the appropriate custodian to satisfy the request.
- Avoids any risk to federal education funds by making the Act’s “scholastic records” exemption consistent with the Federal Educational Rights and Privacy Act of 1974.
- Provides an exemption for information regarding security measures (e.g., passwords) on government computer networks.
- Provides that citizens may request electronic copies of records and establishes standards for copying fees. Copying fees may not exceed the actual cost of reproduction, unless another statute so provides. Allows agencies to charge the actual costs for postage or facsimile or other electronic transmission. The bill also allows custodians to reduce or waive copying charges when it is in the public interest to do so.
- Clarifies that a custodian is not required to create a record that does not already exist (for example, to create a new database or program new report features), and provides that a citizen may request public records in any medium or format in which they can be made readily available.
- Provides that an FOIA request may not be denied on the grounds that information exempted from disclosure (e.g., tax and medical information) appears in the same record as public information. The confidential information must be deleted and the remainder of the record released, with indications where the deletions were made.

- Provides that computer hardware and software acquired by public entities after July 1, 2001, not impede access to public records, e.g., agencies should make sure that software they acquire has adequate reporting capabilities to permit FOIA compliance and not frustrate it.
- Requires state agencies, boards, and commissions to do what most must already do under the Administrative Procedure Act, i.e., make certain basic information publicly available without request. Any such information created after July 1, 2003 must be made available on the Internet, something that many agencies, boards, and commissions are already doing today.
- Reduces the burden on agencies, boards, and commissions in responding to FOIA requests. If a requested record is available via the Internet the custodian may simply advise the requestor of that fact. This response is sufficient unless the requester wishes to obtain a copy of the record in another medium.
- Provides for special requests for electronic records and encourages agencies to provide information as requested when reasonably possible. Allows custodians to apply common sense discretion to summarize or compile electronic data in a particular manner, medium, or format in which it is not readily available and gives them the ability to charge actual verifiable costs, including personnel time.

Act 1747 An Act that Requires Public Schools to Publish Specific Information on School District Web Sites

This Act amends Arkansas Code 6-13-620 by adding the requirement that a school district publish on the district's web page, if the district has a web page, minutes of regular and special meetings of the school board; the budget for the ensuing year; financial breakdown of monthly expenses of the district; salary schedule for all employees; the school district's yearly audit; and the Annual Statistical Report. If a district does not have a web page, then on or before July 1, 2003, the district's educational cooperative is required to develop a web page for the district, or the cooperative shall enter into an agreement to have the district's information published on an existing local city, county, or other local governmental agency's web page.

Enterprise Projects

Act 746 An Act to Ensure the Inclusion of Municipal, County and State Entities in the Arkansas Wireless Information Network

This Act creates a Work Group to guide the development and implementation of the Arkansas Wireless Information Network by the Department of Information Systems (See Act 818 below), to ensure that municipal, county, and state needs are considered. AWIN is a multi-agency, integrated, statewide shared-use wireless communications system including, but not limited to base stations, mobile devices, portables, antennas, towers, real estate and other such devices, systems and supporting infrastructure as may be necessary for the proper functioning of such a system which is to be available for the use of all municipal, county and state entities.

Act 818 Arkansas Wireless Information Network Capital Improvement Appropriation

This Act appropriates funds to the Department of Information Systems from the General Improvement Fund or its successor fund or fund accounts, for consulting services to assist in contracting for the Arkansas Wireless Information Network (AWIN).

Act 1249 An Act to Create the Geographic Information Systems Fund

This Act creates the Geographic Information Systems Fund. The Executive CIO is directed to manage the fund, and the Governor will oversee the expenditures from the fund. The State Land Information Board will establish standards and methodologies for evaluating the funding of enterprise-level GIS projects. The Executive CIO, with advice from the State Land Information Board, shall evaluate, prioritize, and approve proposals for GIS projects.

Act 1250 An Act to Create the Geographic Information Office and Establish the Arkansas Spatial Data Infrastructure

This Act amends Arkansas Code 15-21-501, 15-21-502 and 12-21-503. The Arkansas State Land Information Board will work with the State Geographic Information Coordinator assigned by the State Executive Chief Information Officer with approval from the Board. The State Geographic Information Coordinator shall report directly to the State Executive Chief Information Officer.

Legislative Study Committees

Act 1662 An Act to Study and Review Agency Contracting Practices with regard to all Technology Contracts and Projects

This Act requires the Joint Committee on Advanced Communications and Information Technology to study and review agency contracting practices with regard to all technology contracts and projects. The Joint Committee will file a report on its findings with the Legislative Council and the Eighty-Fourth General Assembly.

Act 1685 An Act to Study an Arkansas Infrastructure Fund and Mechanisms available to Identify the Savings Created by the Deployment of Information Technology

The Joint Committee on Advanced Communications and Information Technology, in conjunction with the Executive Chief Information Officer, has been directed to study the mechanisms available to identify the savings created by the deployment of information technology in regards to the creation of an Arkansas Technology Infrastructure Fund. The Committee will make recommendations to the Governor and the General Assembly prior to the convening of the Eighty-Fourth General Assembly.

HR 1032 An Act to Study the Infrastructure and Access Needs of Rural Arkansas to Modern Technology

This Resolution recognizes that it benefits the citizenry and economic development of the State of Arkansas to provide the necessary infrastructure and access to modern technology to all regions of Arkansas and requests the Joint Committee on Advanced Communications and Information Technology study the infrastructure and access needs of rural Arkansas.

**Senate Concurrent Resolution 22
Feasibility Study on Electronic Filing of Land Surveys by Licensed Land Surveyors**

This Resolution requests that the Joint Committee on Advanced Communications and Information Technology perform an interim study on the feasibility of filing land surveys electronically by licensed land surveyors. The Joint Committee is to make recommendations to the Eighty-fourth General Assembly.